

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1184X)

CONSOLIDATED RAIL CORPORATION–ABANDONMENT EXEMPTION–IN MIDDLESEX
COUNTY, NJ

Decided: January 12, 2005

Consolidated Rail Corporation (Conrail) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a portion of a line of railroad known as the Sayreville Running Track, between milepost 10.85± and milepost 11.31± in the Township of North Brunswick, Middlesex County, NJ, a distance of 0.46± miles. Notice of the exemption was served and published in the Federal Register on January 5, 2004 (69 FR 389-90). The notice stated that, if consummation has not been effected by Conrail's filing of a notice of consummation by January 5, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.¹

By facsimile received on January 7, 2005, and letter filed on January 10, 2005, Conrail requests a 2-day extension of time for filing its notice of consummation until January 7, 2005, and attaches a copy of its consummation letter. Conrail states that its consummation letter is late-filed because of an administrative oversight during counsel's absence.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. Good cause for the short extension has been shown and the deadline for filing the notice of consummation is extended to January 7, 2005. Accordingly, Conrail's notice of consummation will be accepted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ By decision served on February 2, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that Conrail retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. By decision served on July 19, 2004, the section 106 condition was removed.

It is ordered:

1. Conrail's request for an extension of time to consummate the abandonment is granted.
2. Conrail's notice of consummation is accepted.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary